UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,413	04/18/2001	Terrence Ross O'Brien	ROC920010124US1	7612

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EXAMINER
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ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 01/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application N . ●	Applicant(s)
Office Action Summary	09/837,413	O'BRIEN ET AL.
	Examiner	Art Unit
	Monplaisir G Hamilton	2172

-- Th MAILING DATE of this communication appears on th cover sheet with the corresp ndence address --

Peri d for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>31 October 2003</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Pri rity under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1.   Claims 1-20 remain for examination.

Response to Arguments

2.   Applicant's arguments, see Paper No. 3, filed 10/31/03, with respect to Claims 1-20 have

been fully considered and are persuasive. The 35 USC § 101 rejection of Claims 1-20 has been

withdrawn.

Applicant's arguments filed 10/31/03 have been fully considered but they are not

persuasive.

Applicant has argued: "Applicants respectfully point out that the cited paragraph is directed to a

transport protocol. A transport protocol is a communications protocol by means of which messages are

transported. The protocol and protocol information recited in the present application are, however,

directed to transaction protocols, not transportation protocols. The transaction protocols dictate message

format while a transportation protocol dictates the semantics of the transportation mechanism by which

information is transmitted."

Examiner disagrees with applicant. Ankireddipally discloses that his CX server is

document-centric and exchanges messages in the form of XML documents (paragraph 0041,

lines 1-5, paragraph 0052). Ankireddipally further discloses that the XML documents form the

underlying application interaction protocol, CXIP (paragraph 0041, lines 1-10). Furthermore,

Examiner holds that the data structure disclosed by Ankireddipally, CXIP message, identifies

protocol information (paragraph 0042). Examiner therefore holds that the CXIP messages define

a transaction-oriented protocol.

In addition, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., transaction protocol) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicants further argue: "Applicants respectfully point out that the cited paragraph (paragraph 0043) is directed to an XML message and the capability to identify different message types. The claimed element of request data format information identifying a request message format is not the message itself, nor is the data structure containing the request data format information the message itself. Rather, the request data format information provides an abstraction of a message according to the schema of that message."

Examiner disagrees with applicant. Ankireddipally discloses the transaction service provides interfaces for working with transaction logic etc... A CXC submits a transaction request based on a published CX transaction document type definition (paragraph 0049, lines 1-15). Ankireddipally also discloses a transaction definition data structure that defines valid transactions for a particular CX server (paragraph 0054) and indicates how to process a request according to the transaction definition identified in the request (paragraph 0060, lines 1-15). Therefore, the transaction request identifies a message format.

In addition, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the request data format information provides an abstraction of a message according to the schema of that message) are not recited in the rejected claim(s). Although the claims are interpreted in light of

the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicants further argue: "Applicants respectfully submit that the Examiner has not identified a single data structure that contains all the claimed elements. More specifically, the Examiner bases one part of his rejection on a transport protocol described at paragraph 0047 and another part of his rejection on an unrelated description of an XML document (which may be transported according to the transport mechanism) at paragraph 0043. The XML document is not the transport protocol and the transport protocol is not the XML document. Therefore, no single data structure, as recited by the present claims, has been identified by the Examiner"

Examiner disagrees with applicant. Ankireddipally discloses that the CXIP messages are data structures that contain the claimed protocol, message type and format information. Examiner therefore holds that the claimed invention is anticipated by US 2002/0116205 issued to Ankireddipally et al.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by US

2002/0116205 issued to Ankireddipally et al.

Referring to Claim 1:

Ankireddipally discloses a data structure configured as an interface definition of a

message format of a particular eCommerce transaction type, comprising: protocol information

identifying a protocol and the particular eCommerce transaction type (page 6, paragraph 0047,

lines 5-15); request data format information identifying a request message format for the

particular eCommerce transaction type, wherein the request message format comprises a

plurality of input fields (page 5, paragraph 0043, lines 3-11); and input field information

identifying at least a portion of the plurality of input fields (page 6, paragraph 0045, lines 3-10).

Referring to Claim 2:

Ankireddipally discloses the limitations as discussed in Claim 1. Ankireddipally further

discloses input field information identifies a physical Location of each input field of at least the

portion of the plurality of input fields (page 8, 0065, lines 1-14).

Referring to Claim 3:

Ankireddipally discloses the limitations as discussed in Claim 1. Ankireddipally further

discloses the protocol is selected from the group comprising cXML and mXML (page 2,

paragraph 0009, lines 7-10).

Referring to Claim 4:

Ankireddipally discloses the limitations as discussed in Claim 1. Ankireddipally further

discloses the transaction type is a purchase order (page 2, paragraph 0009, lines 1-5).

Referring to Claim 5:

Ankireddipally discloses the limitations as discussed in Claim 1. Ankireddipally further

discloses a total number of fields of the plurality of input fields identified by the input field

information is less than all of the plurality of input fields (page 8, paragraph 0065, lines 15-25).

Referring to Claim 6:

Ankireddipally discloses the limitations as discussed in Claim 1. Ankireddipally further

discloses the plurality of input fields includes input fields for at least two different request types

and wherein the input field information represents only a first request type (page 7, paragraph

0059, lines 3-8).

Referring to Claim 7:

Ankireddipally discloses the limitations as discussed in Claim 1. Ankireddipally further

discloses the protocol information further identifies a sub-transaction type (page 7, paragraph

0060, lines 9-15).

Referring to Claim 8:

Ankireddipally discloses the limitations as discussed in Claim 1. Ankireddipally further

discloses the eCommerce transaction type is selected from a group comprising of a purchase

order, a change purchase order, a remote catalog shopping request, an invoice request and a

shopping basket content request (page 2, paragraph 0009, lines 1-5).

Referring to Claim 9:

Ankireddipally discloses the limitations as discussed in Claim 1. Ankireddipally further

discloses the input field information comprises a corresponding input field corresponding to each

field of the portion of the plurality of input fields (page 8, paragraph 0065, lines 5-25).

Referring to Claim 10:

Ankireddipally discloses the limitations as discussed in Claim 9. Ankireddipally further

discloses a name of at least one field of the portion of the plurality of input fields is different than

a name of the corresponding input field corresponding to the at least one field (page 10,

paragraph 0074, line 5-13).

Referring to Claim 11:

Ankireddipally discloses the limitations as discussed in Claim 1. Ankireddipally further

discloses response data format information identifying a response message format for the

particular eCommerce transaction type, wherein the response message format comprises a

plurality of output fields; and output field information identifying at least a portion of the

plurality of output fields (page 8, paragraph 0063, line 1-8).

Referring to Claim 12:

Ankireddipally discloses the limitations as discussed in Claim 11. Ankireddipally further

discloses a total number of fields of the plurality of output fields identified by the output field

information is less than all of the plurality of output fields (page 8, paragraph 0063, line 15-25).

Referring to Claim 13:

Ankireddipally discloses the limitations as discussed in Claim 11. Ankireddipally further

discloses the plurality of output fields includes output fields for at least two different request

types and wherein the output field information represents only a first request type (page 7,

paragraph 0059, lines 3-8).

Referring to Claim 14:

Ankireddipally discloses the limitations as discussed in Claim 1. Ankireddipally further

discloses the input field information and the output field information is configured for mapping

to an application access method, wherein the application access method is configured to describe

an interface to an application (page 9, paragraph 0068, line 1-10).

Referring to Claim 15:

Ankireddipally discloses the limitations as discussed in Claim 14. Ankireddipally further

discloses the application access method is selected from a program call access method, a java

access method and a queue application access method (paragraph page 6, 0049, lines 1-15).

Referring to Claim 16:

Ankireddipally discloses a data structure configured as an interface definition of a request

message format and a response message format of a particular eCommerce transaction type,

comprising: protocol information identifying a protocol and a transaction type (page 6, paragraph

0047, lines 5-15); request data format information identifying the request message format,

wherein the request message format comprises a plurality of input fields; and input field

information identifying at least a portion of the plurality of input fields (page 5, paragraph 0043,

lines 3-11), wherein the plurality of input fields includes input fields for at least two different

request types and wherein the input field information represents only a first request type (page 7,

paragraph 0059, line 1-9; page 8, paragraph 0065, lines 15-25); response data format information

identifying a response message format, wherein the response message format comprises a

plurality of output fields (page 7, paragraph 0054, lines 5-10); and output field information

identifying at least a portion of the plurality of output fields, wherein the plurality of output

fields includes output fields for the at least two different request types and wherein the output

field information represents only the first request type (page 8, paragraph 0063, line 1-10; page

8, paragraph 0065, line 15-20).

Referring to Claim 17:

   Ankireddipally discloses the limitations as discussed in Claim 1. Ankireddipally further

discloses the transaction type is a purchase order (page 2, paragraph 0009, lines 1-5).

Referring to Claim 18:

   Ankireddipally discloses the limitations as discussed in Claim 1. Ankireddipally further

discloses the input field information identifies a physical location of each input field of at least

the portion of the plurality of input fields in the request message format (page 7, paragraph 0054,

lines 1-8; page 8, 0065, lines 1-14) and the output field information identifies a physical location

of each output field of at least the portion of the plurality of output fields in the response message

format (page 8, paragraph 0063, lines 1-10).

Referring to Claim 19:

   Ankireddipally discloses the limitations as discussed in Claim 1. Ankireddipally further

discloses the input field information and the output field information is configured for mapping

to an application access method, wherein the application access method is configured to describe

an interface to an application configured to process the particular eCommerce transaction type

(page 9, paragraph 0068, line 1-10).

Referring to Claim 20:

Ankireddipally discloses the limitations as discussed in Claim 1. Ankireddipally further

discloses the input field information comprises a corresponding input field corresponding to each

field of the portion of the plurality of input fields (page 8, 0065, lines 1-14) and wherein the

output field information comprises a corresponding output field corresponding to each field of

the portion of the plurality of output fields (page 7, paragraph 0054, lines 6-10; page 8,

paragraph 0063, lines 1-10).

Final Rejection

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Monplaisir G Hamilton whose telephone number is 1703-305-

5116. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John E Breene can be reached on 1703-305-9790. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 1703-305-3900.

Monplaisir Hamilton

JEAN M. CORRIELUS
PRIMARY EXAMINER